

REMARKS/ARGUMENTS

The rejection presented in the Office Action dated July 10, 2008, (hereinafter Office Action) has been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant is of the understanding that each of the claims is rejected based on the teachings of U.S. Patent No. 6,720,860 to Narayanaswami (hereinafter “Narayanaswami”) since this newly-cited reference is referred to by name throughout the Office Action. However, it is noted that the patent number identified in the statement of rejection at paragraph six, corresponds to the previously-cited Jalili reference, which has been shown to fail to correspond to the claimed invention in at least the previous Office Action response filed on March 27, 2008. Each of the citations identified in this response refer to U.S. Patent No. 6,720,860. If Applicant’s understanding is incorrect, Applicant requests clarification and an opportunity to respond.

Applicant respectfully traverses the § 102(c) rejection based solely upon the teachings of Narayanaswami because Narayanaswami fails to teach or suggest each of the claimed limitations. Specifically, Narayanaswami fails to teach changing a lock state when a detected selection order differs from a determined user-specific inter-object internal order by a predetermined parameter, as claimed in each of the independent claims. While Narayanaswami is directed to validating a password by verifying a selection order, Narayanaswami requires that the selection order correspond to the password (*see, e.g.*, Abstract). If the selection order differs from the stored password, access is denied (Col. 9, lines 56-59 and Col. 9, line 66 – Col. 10, line 5). Moreover, the cited portion at column nine makes no mention of a selection order differing from a determined order, and instead requires that the “right touch sequence” be detected. Thus, Narayanaswami does not correspond to the limitations directed to changing a lock state when a detected selection order differs from the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper.

In order to anticipate a claim, the asserted reference must teach every element of the claim. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v.*

Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Federal Circuit also recently held that “Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” (Net Moneyin, Inc. v. Verisign, Inc., --- F.3d ---, 2008 WL 4614511 (Fed. Cir. 2008) quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983)). Therefore, all claim elements, and their limitations, must be found in the prior art reference to maintain the rejection based on 35 U.S.C. § 102. Applicant respectfully submits that Narayanaswami does not teach every element of independent Claims 1, 11, and 23 in the requisite detail, and therefore fails to anticipate Claims 1-25.

Dependent Claims 2-10, 12-22, 24, and 25 depend from independent Claims 1, 11, and 23, respectively, and also stand rejected under 35 U.S.C. § 102(c) as allegedly being anticipated by Narayanaswami. While Applicant does not acquiesce with the particular rejections to these dependent claims, these rejections are also improper for the reasons discussed above in connection with the independent claims. These dependent claims include all of the limitations of their respective base claims and any intervening claims and recite additional features which further distinguish these claims from the cited reference. Therefore, the rejection of dependent Claims 2-10, 12-22, 24, and 25 is improper, and Applicant requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 5 and 16, Applicant further traverses because Narayanaswami has not been shown to teach the claimed limitations. Specifically, no portion of Narayanaswami has been identified that teaches changing a determined user-specific inter-object internal order. In contrast, Narayanaswami teaches the use of a set password, and cited portion at column nine refers only to comparing received signals with the set password to verify entry of the password. There is no discussion that such password would be changed or that it would be changed when a detected object selection order is within a predetermined parameter of the determined user-specific inter-object internal order. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of Claims 6 and 17, Applicant further traverses because Narayanaswami has not been shown to teach using learning algorithms or intelligent networks to change a determined user-specific inter-object internal order. In contrast, Narayanswami teaches the use of a set password. There is no discussion that such password would be changed using learning algorithms or intelligent networks. Without a presentation of correspondence to each of the claimed limitations, the rejection is improper and should not be maintained. Applicant accordingly requests that the rejection be withdrawn.

With respect to the objection to the claims, the independent claims have been amended to identify that the selection order detected is an order of selection of displayed predetermined objects in accordance with the Examiner's suggestion. The independent claims have also been amended to provide more explicit antecedent basis, and the dependent claims have been amended to be consistent with the changes to the independent claims. These changes are not made for any reasons related to the asserted reference and do not introduce new matter. The claims, with or without the changes, are believed to be patentable over the teachings of Narayanaswami for the reasons set forth above.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.014.US) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the Examiner is invited to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,
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